



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution to Vacate a Six-Foot Public Utility Easement at 710 North Sacramento Street

MEETING DATE: December 20, 2006

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt a resolution vacating a six-foot public utility easement at 710 North Sacramento Street.

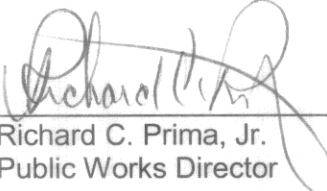
BACKGROUND INFORMATION: On July 3, 2006, a six-foot public utility easement was dedicated by the property owner to provide electrical service to a cell tower located at the rear of the property. The location of the easement for the proposed electrical service was submitted by the company site acquisition agent for Cingular Wireless. The property owner has requested the City of Lodi Electric Utility Department locate the electrical services along the west and south property lines in a manner less incumbent to future building plans. The property owner has dedicated a new six-foot public utility easement accommodating the electrical services installed along the perimeter of his property lines. The new six-foot public utility easement was recorded on September 19, 2006.

Under Section 8333 of the Streets and Highways Code, a local agency may summarily vacate an easement if "the easement has not been used for the purpose for which it was dedicated or acquired five consecutive years immediately preceding the proposed vacation". No public utilities have been installed in the public utility easement.

The City of Lodi Electric Utility Department has approved the six-foot public utility easement abandonment. Public facilities have not been installed within the six-foot public utility easement to be abandoned. Public Works therefore recommends that the request to abandon the six-foot public utility easement be granted without Planning Commission referral or the normal posting, publishing and public hearing.

FISCAL IMPACT: None.

FUNDING AVAILABLE: Not applicable.


Richard C. Prima, Jr.
Public Works Director

Prepared by Jeannie Matsumoto, Senior Engineering Technician
Attachment
RCP/JM/pmf

APPROVED: 
Blair King, City Manager

RESOLUTION NO. 2006-226

A RESOLUTION OF THE LODI CITY COUNCIL
SUMMARILY VACATING AND ABANDONING A
SIX-FOOT PUBLIC UTILITY EASEMENT AT
710 NORTH SACRAMENTO STREET

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WHEREAS, a six-foot public utility easement located at 710 North Sacramento Street was dedicated on July 3, 2006, Document #2006-143832, San Joaquin County Records, as shown on Exhibit A attached hereto and incorporated herein; and

WHEREAS, in order to remove the parcel encumbrance caused by the unused existing six-foot public utility easement, the property owners, The Lague Family, a Limited Liability Company, John T. Lague have requested the abandonment of the six-foot easement dedicated on July 3, 2006, Document #2006-143832, San Joaquin County Records, as shown on Exhibit A attached hereto and incorporated herein; and

WHEREAS, a new six-foot public utility easement has been dedicated to accommodate electrical services installed along the perimeter of his property lines and the dedication recorded on September 19, 2006, Document #2006-199333; and

WHEREAS, under Section 8333 of the Streets and Highways Code, a local agency may summarily vacate an easement if it has been superseded by relocation and there are no other public facilities located within the easement; and

WHEREAS, the City of Lodi Electric Utility Department has approved the public utility easement abandonment without further comment or conditions.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi finds and declares as follows:

1. The above recitals are true and correct.
2. The existing easement covered by the vacation has not been used for the purpose for which it was dedicated and the need for the easement to be vacated has been superseded by relocation and there are no other public facilities located within the portion of the easement to be vacated, and, in accordance with California Government Code Section 65402(a), the City Council of the City of Lodi hereby provides that Government Code Section 65402(a) does not apply to this vacation.
3. That the six-foot public utility easement located at 710 North Sacramento Street, shown on Exhibit A attached hereto and incorporated herein, is hereby summarily vacated as of the date of recordation of this Resolution and from and after that date no longer constitutes a public utility easement.

4. The vacation is made pursuant to Chapter 4, Part 3, of the Streets and Highways Code of the State of California.
5. The property owners have dedicated a new public utility easement in conformance with City requirements; and
6. The City Clerk is hereby authorized and instructed to record this Resolution pursuant to Streets and Highways Code Section 8336 without referral to the Planning Commission or the normal posting, publishing, and public hearing.

Dated: December 20, 2006

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I hereby certify that Resolution No. 2006-226 was passed and adopted by the City Council of the City of Lodi in a regular meeting held December 20, 2006, by the following vote:

AYES:	COUNCIL MEMBERS – Hansen, Hitchcock, Katzakian, Mounce, and Mayor Johnson
NOES:	COUNCIL MEMBERS – None
ABSENT:	COUNCIL MEMBERS – None
ABSTAIN:	COUNCIL MEMBERS – None


RANDI JOHL
City Clerk



DECLARATION OF MAILING

LETTER REGARDING RESOLUTION TO SUMMARILY VACATE AND ABANDON A SIX-FOOT PUBLIC UTILITY EASEMENT AT 710 NORTH SACRAMENTO STREET

On December 22, 2006, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing letter regarding resolution to summarily vacate and abandon a six-foot public utility easement at 710 North Sacramento Street, attached hereto Marked Exhibit A. The mailing list for said matter is attached hereto, marked Exhibit B.

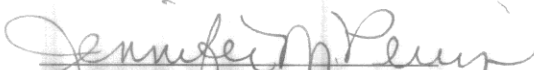
There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 22, 2006, at Lodi, California.

ORDERED BY:

RANDI JOHL
CITY CLERK, CITY OF LODI


JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

DANA R. CHAPMAN
ADMINISTRATIVE CLERK

CITY COUNCIL

BOB JOHNSON, Mayor
JOANNE MOUNCE,
Mayor Pro Tempore
LARRY D. HANSEN
SUSAN HITCHCOCK
PHIL KATZAKIAN

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702 / FAX (209) 333-6807
www.lodi.gov cityclerk@lodi.gov

BLAIR KING, City Manager
RANDI JOHL, City Clerk
D. STEPHEN SCHWABAUER
City Attorney

December 22, 2006

TO: Interested Parties

**VACATION: TO SUMMARILY VACATE AND ABANDON A SIX-FOOT PUBLIC
UTILITY EASEMENT AT 710 NORTH SACRAMENTO STREET**

This is to inform you that the City Council, at its regular meeting on December 20, 2006, considered the above matter and declared the area summarily vacated and abandoned.

Enclosed for your information is a certified copy of the resolution along with a map of the abandoned area.

Should you have questions regarding the abandonment, please contact the Public Works Department at (209) 333-6706.



Randi Johl
City Clerk

RJ/jmp

Enclosure

cc: Public Works Department

RESOLUTION NO. 2006-226

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WHEREAS, in order to remove the parcel encumbrance caused by the unused existing six-foot public utility easement, the property owners, The Lague Family, a Limited Liability Company, John T. Lague have requested the abandonment of the six-foot easement dedicated on July 3, 2006, Document #2006-143832, San Joaquin County Records, as shown on Exhibit A attached hereto and incorporated herein; and

WHEREAS, a new six-foot public utility easement has been dedicated to accommodate electrical services installed along the perimeter of his property lines and the dedication recorded on September 19, 2006, Document #2006-199333; and

WHEREAS, under Section 8333 of the Streets and Highways Code, a local agency may summarily vacate an easement if it has been superseded by relocation and there are no other public facilities located within the easement; and

WHEREAS, the City of Lodi Electric Utility Department has approved the public utility easement abandonment without further comment or conditions.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi finds and declares as follows:

1. The above recitals are true and correct.
2. The existing easement covered by the vacation has not been used for the purpose for which it was dedicated and the need for the easement to be vacated has been superseded by relocation and there are no other public facilities located within the portion of the easement to be vacated, and, in accordance with California Government Code Section 65402(a), the City Council of the City of Lodi hereby provides that Government Code Section 65402(a) does not apply to this vacation.
3. That the six-foot public utility easement located at 710 North Sacramento Street, shown on Exhibit A attached hereto and incorporated herein, is hereby summarily vacated as of the date of recordation of this Resolution and from and after that date no longer constitutes a public utility easement.

4. The vacation is made pursuant to Chapter 4, Part 3, of the Streets and Highways Code of the State of California.
5. The property owners have dedicated a new public utility easement in conformance with City requirements; and
6. The City Clerk is hereby authorized and instructed to record this Resolution pursuant to Streets and Highways Code Section 8336 without referral to the Planning Commission or the normal posting, publishing, and public hearing.

Dated: December 20, 2006

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I hereby certify that Resolution No. 2006-226 was passed and adopted by the City Council of the City of Lodi in a regular meeting held December 20, 2006, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Katzakian, Mounce,
and Mayor Johnson

NOES: COUNCIL MEMBERS – None

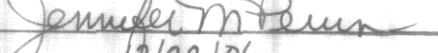
ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


RANDI JOHL
City Clerk

The foregoing document is certified to be a correct copy of the original on file in the City Clerk's Office.

Jennifer M. Perrin
Deputy City Clerk, City of Lodi

By: 
Dated: 12/22/06

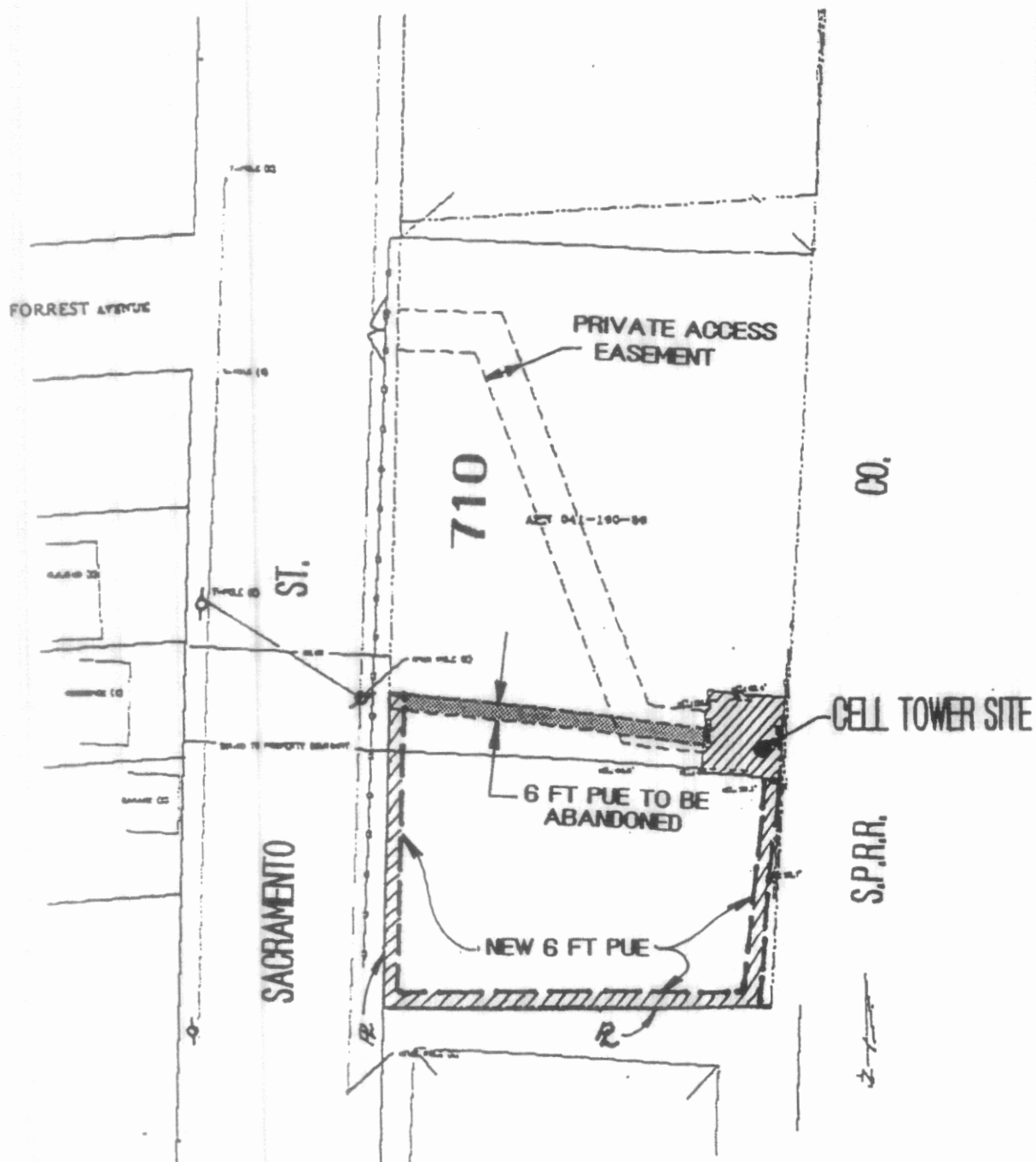
2006-226



CITY OF LODI

PUBLIC WORKS DEPARTMENT

EXHIBIT A



**VACATION / ABANDONMENT
MAILING LIST**

RESOLUTION OF INTENTION (Setting Public Hearing)Certified copy w/cover letter to:

PG&E
12 W. Pine Street
Lodi, CA 95240

AT&T
6505 Tam O Shanter Drive
Stockton, CA 95210

Pacific Bell
44 W. Yokuts Avenue
Stockton, CA 95207

Central Valley Waste Services
P.O. Box 241001
Lodi, CA 95241-9501

Chief Deputy County Surveyor
Attn: Joe Bussalacci
1810 E. Hazelton Avenue
Stockton, CA 95205

Certified copies to:

Jeannie Matsumoto, Public Works

Wes Fujitani, Public Works

Community Development Department

Police Department

Fire Department

RESOLUTION OF VACATION (After Public Hearing)Certified copy w/cover letter:

PG&E

AT&T

Pacific Bell

Central Valley Waste Services

Chief Deputy County Surveyor

Jeannie Matsumoto, Public Works

Wes Fujitani, Public Works

Community Development Department

Police Department

Fire Department

APN	OWNER	ADDRESS	CITY	STATE	ZIP	SITUSNUM	SITUSDIR	SITUSSTNAME	SITUSTYPE
04118008	BURLINGTON, RALPH LIFE EST ET	555 RIVERSIDE DR	WOODBIDGE	CA	95258	720	N	SACRAMENTO	ST
04118028	FELTON, CHARLES M & SHARON D T	1702 S MILLS AVE	LODI	CA	95242	701	N	SACRAMENTO	ST
04119020	WORFOLK, DAVID E & BETH A ETA	709 N SACRAMENTO ST	LODI	CA	95240	611	N	SACRAMENTO	ST
04119021	NORTON, DENNIS J & MARIA L	615 N SACRAMENTO ST	LODI	CA	95240	615	N	SACRAMENTO	ST
04119022	HOPPER, STANLEY O & MARTHA A	809 GREENWOOD DR	LODI	CA	95240	619	N	SACRAMENTO	ST
04119024	SNOW, THERESA M	627 N SACRAMENTO ST	LODI	CA	95240	627	N	SACRAMENTO	ST
04119025	SHIVELY, LOREN R TR ETAL	631 N SACRAMENTO ST	LODI	CA	95240	631	N	SACRAMENTO	ST
04119039	LAGUE FAMILY LLC	PO BOX 5526	COMPTON	CA	90024	710	N	SACRAMENTO	ST
04119040	SALVATION ARMY CORP	3755 N FREEWAY BLVD	SACRAMENTO	CA	95834	622	N	SACRAMENTO	ST
04124042	UNION PACIFIC RAILROAD COMPANY	1416 DODGE ST ROOM 830	OMAHA	NE	68179	0			

EXHIBIT B